

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

DO NO HARM,

Plaintiff,

v.

WILLIAM LEE, in his official capacity as  
Governor of the State of Tennessee,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 3:23-cv-01175

---

**DECLARATION OF REED N. SMITH IN SUPPORT OF MOTION TO DISMISS**

---

I, Reed N. Smith, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over twenty-one years of age, of sound mind and body, and am otherwise competent to testify to the matters stated herein. I am counsel for Defendant William Lee, in his official capacity as Governor of the State of Tennessee, and have personal knowledge of the facts stated herein.
2. Exhibit A, attached to this declaration, is a true and correct copy of Governor Bill Lee's November 1, 2023 Appointment Letter to Dr. Bhekumuzi Khumalo, appointing him to the Tennessee Board of Podiatric Medical Examiners.
3. Exhibit B, attached to this declaration, is a true and correct copy of Governor Bill Lee's November 1, 2023 Appointment Letter to Dr. Aaron Sorensen, appointing him to the Tennessee Board of Podiatric Medical Examiners.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 2, 2024  
Nashville, TN

/s/ Reed N. Smith

Reed N. Smith (BPR# 040059)  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served via this Court's electronic filing system on this 2nd day of February 2024.

Daniel J. Turklay (BPR# 034600)  
TURKLAY LAW  
11205 Lebanon Rd #51  
Mt. Juliet, TN 37122  
P: (615) 838-5903  
F: (888) 868-0014  
daniel@turklaylaw.com

Joshua P. Thompson (CA Bar# 250955)  
PACIFIC LEGAL FOUNDATION  
555 Capitol Mall, Suite 1290  
Sacramento, CA 95814  
P: (916) 419-7111  
JThompson@pacificlegal.org

Laura D'Agostino (VA Bar# 91556)  
PACIFIC LEGAL FOUNDATION  
3100 Clarendon Boulevard, Suite 1000  
Arlington, VA 22201  
P: (202) 888-6881  
LDAgostino@pacificlegal.org

*Attorneys for Plaintiff*

/s/ Reed N. Smith  
REED N. SMITH  
Assistant Attorney General